THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.NO.13829 OF 2007

Dated 02-07-2007

Between:

M.Malathi

…Petitioner

And

The State of A.P. and another

…Respondents

ORDER:

The petitioner is the daughter of one Sri Madasu Mallesham. She is said to have been born on 21-01-1971. It is

urged that by the time the birth certificate was issued, the petitioner was not named and later on it became necessary for obtaining a certificate, which contains her name. For this purpose, the petitioner filed a representation, dated 21-06-2007 to the 2nd respondent for issuance of a birth certificate to her, duly entering her name in it. The 2nd respondent replied through letter, dated 25-06-2007, stating that such a course is not permissible under Section 14 of the Registration of Birth and Death Act, 1969 (for short 'the Act'). The petitioner assails the same.

The learned counsel for the petitioner submits that there is nothing in the Act, which precludes or prohibits the registering authority to enter the name of the person in the birth certificate even at a subsequent stage. He places reliance upon the judgment of Gujarat High Court reported in ***DIPIKA ARVINDKUR PANCHOLI vs. STATE OF GUJARAT***[1]***.***

The petitioner contends that she is now residing in USA. In view of the fact that the petitioner is a major, for the certificate, in relation to her, an application is required to be made, by herself.

The Act provides for issuance of birth certificate. The certificate in Form No.V provides for entering the name of the person, whose date of birth is certified. It is a common practice, particularly, in Indian families that the children are named after performing a ceremony. If the birth certificate is issued before such ceremony, there does not exist an occasion for entering the name. From the Acts and the Rules made thereunder, it is clear that there is no prohibition for entering the name of the person, may be after due verification. The Gujarat High Court took the view that it is permissible under the Act and Rules to enter the

name of a person even after fifteen years, if the identity of the person is not in dispute.

Having regard to the provisions of the Act and the judgment of the Gujarat High Court, this Court finds that the 2nd respondent ought to have considered the application of the petitioner and entered her name in the certificate, after satisfying as to the identity.

Hence, the writ petition is disposed of, directing that as and when the petitioner i.e. the person, whose date of birth is to be certified submits the application in person, with necessary proof, the 2nd respondent shall consider the same and enter the name of the applicant in the birth certificate, after satisfying himself that it relates to the person, whose name is sought to be entered. This exercise shall be completed within four weeks from the date by which such an application is filed by the candidate herself. There shall be no order as to costs.

_____

02.07.2007

kdl

---

[1] AIR 2003 Gujarat 102